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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

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Applicant : Jeffrey D. Whitelaw
Appl. No. : 09/408,112
Filing Date : September 29, 1999
Title : "V-Chip" Preset Criteria

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Technology Center 2600

Group Art Unit : 3606
Examiner : Nikolaos Rouvas

Docket No. : 705397.21 Formerly: 245/282

SUPPLEMENT TO SUBMISSION UNDER 37 CFR 1.114

Honorable Commissioner for Patents
Box RCE
Washington, D.C. 20231

Sir:

This Supplement to Submission under 37 CFR 1.114 is filed in response to an Office Action mailed on December 17, 2003. A copy of the Amendment and Submission Under 37 CFR 1.114 filed on April 17, 2003 is attached hereto as Exhibit A.

In the December 17, 2003 Office Action, the Examiner rejected claims 1-7, 9, 11-18, and 20-28 under 35 USC § 102(b), and rejected claims 8, 10, and 19 under 35 USC § 103(a). In the 17 April Amendment, Applicant amended claims 1, 13 and 20 and added new claims 29-42. In view of those amendments and subsequent remarks

CERTIFICATE OF MAILING
37 CFR §1.8

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Dated: April 21, 2003

Handwritten signature: Mary L. Smith

Mary L. Smith

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submitted herein, Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejections, and allowance of the subject Application.

Claim Rejections – 35 USC § 102(b)

The Examiner rejected 1-7, 9, and 11-18 under 35 USC § 102(b) as being anticipated by Kim (USPN 5,995,133). In the office action at page 2 and during an interview conducted on April 21 between the Applicant's undersigned representative, the Examiner and Supervisory Patent Examiner John Miller, the Examiner asserted that:

Kim clearly discloses a "preset rating code" in column 2, line 8; column 4, line 51... Disclosed examples of ratings include, and are not limited to, TV-PG, PG-13, G, and so on. Kim discloses that "the user can select one rating from the ... ratings" (column 6, lines 5-6 and lines 25-26). The user has the option of selecting the option "TABLE", where he can modify the **preset** ratings. However, the user can simply select a **preset** rating (e.g. TV-14), which includes **both a rating** (TV-14) and a **subject matter category** (V, L, S, D). No further manipulation of navigation by the user is required. (Office Action, p. 2, lines 5-11)(emphasis in original)

During the interview, the Examiner referred to figures 10 and 11 to support this assertion.

Applicant has reviewed Kim carefully and submits that Kim does not disclose, teach or suggest that the user can select a "TABLE" option and, while in the Table, "simply select a **preset** rating (e.g. TV-14), which includes **both a rating** (TV-14) and a **subject matter category** (V, L, S, D)." A careful review of Kim reveals that Figure 11

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taken on its own can be misleading. More particularly, Kim clearly indicates that a user does not "simply" select a rating such as TV-14 and automatically receive both a rating and a subject matter category as a preset rating. Rather, the user must individually select TV ratings and corresponding subject categories. Kim states:

If the television guidelines menu is selected, the user can select one rating from the following ratings: TABLE, TV-Y, TV-Y7, TV-G, TV-PG and TV-14, while circulating through these ratings (step S230).

When the table is selected in step S230 (step S232), a table menu screen 62 shown in FIG. 11 is displayed on the CRT (step S234). A vertical axis of the table indicates the rating code according to the age of the viewers and a horizontal axis of the table indicates the rating code according to the contents of the program. When the user sets one rating code on the table using the cursor (step S236), the rating code on which the cursor is placed is set. (Kim Col. 6, lines 4-15).

Thus, if a user wants to select a rating code by age, the user must place the cursor on a TV rating in the vertical column and select the TV rating. If the user wants to select a rating code by program content, the user must place the cursor on the program content rating and select the program content rating. Accordingly, Kim does not disclose, teach or suggest "a method of supervising personal exposure to a consumer electronics device" as claimed in claims 1-7, 9 and 11-12.

Claim 1 includes the step of "selecting one of one or more preset content-based specification sets previously stored by the manufacturer in permanent memory with the consumer electronics device, each of the one or more preset

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specification sets comprising a rating and a subject matter category.” Kim, in contrast, discloses nothing more than that provided in the prior art, where a “user must typically select not only a television rating and/or movie rating, but also one or more subject matter categories (e.g., L, V, N), requiring that the user negotiate several menus within the menu system of the television.” Specification Page 4, lines 1-8. As claimed, the preset content-based specification sets provided by the manufacturer already include both a rating and a subject matter category. As a result, the user only needs to select a preset content-based specification set and does not need to navigate through extra menus to select TV and/or motion picture rating codes and content codes. Accordingly, claim 1, and claims 2-7, 9, 11-12 by virtue of their dependence upon claim 1, meet the requirements for patentability under 35 USC § 102(b).

Kim also does not disclose, teach or suggest “permanent recordable media for a consumer electronics device” as claimed in claim 13. Claim 13 includes “one or more preset content—based specification sets preset by the manufacturer, each ... comprising a rating and a subject matter category” and a computer program including the step of “selecting one of the one or more preset contact—based specification sets.” In Kim, the rating and content codes are stored separately and are separately retrievable from memory. Accordingly, claim 13, and claims 14-18 by virtue of their dependence upon claim 13, meet the requirements for patentability under 35 USC § 102(b).

The Examiner rejected claims 20-28 under 35 USC § 102(b) as being anticipated by Collings (USPN 5,828,402). The Examiner asserted in the office action that

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... Collings discloses that "a user could select 'PG-13' in the MPAA system so that all programming with a higher rating in the age category than PG-13 would be blocked" (column 22, lines 53-55). As can be seen from Table V (column 24), each selection includes **both a rating** (e.g. PG) and a **subject matter category** (V, L, S). Once again, no further manipulation or navigation by the user is required. (Office Action, page 2, lines 13-18).

As with Kim, the Examiner seems to have mis-read or misinterpreted Collings. Applicant has reviewed Collings carefully and submits that Collings does not disclose, teach or suggest the selection of "**both a rating** (e.g. PG) and a **subject matter category** (V, L, S).... [without] further manipulation or navigation by the user..." Table V at column 24, like tables IV and VI, is merely a table by which the elements of a broadcast signal are mapped. It is not a table by which a user chooses a rating and subject matter category for supervision of personal exposure to user discernable information. As shown in Figures 5C through 5F and discussed at column 17, line 33 --- column 18, line 52, Collings describes a system that requires a user to navigate through several menus to select "category thresholds", "restricted labels", "restricted types", etc.

Accordingly, Applicant submits that Collings does not disclose, teach or suggest "a consumer electronics device having "V-chip" circuitry for supervising personal exposure to user discernable information" as claimed in claims 20-28. More particularly, Collings does not disclose, teach or suggest "permanent nonvolatile memory comprising one or more preset content-based specification sets preset by the manufacturere, each of the preset content-based specification sets comprising a rating and a subject matter category" as claimed in claim 20. Like Kim, Collings discloses nothing more than that

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provided in the prior art, which Applicant distinguishes over in the "Background of the Invention" section of the application. As claimed, preset content-based specification sets are provided that already include both a rating and a subject matter category. As a result, the user only needs to select a preset content-based specification set and does not need navigate through extra menus to select thresholds, labels, types, etc. Accordingly, claim 20, and claims 21-28 by virtue of their dependence upon claim 20, meet the requirements for patentability under 35 USC § 102(b).

Claim Rejections – 35 USC § 103(a)

The Examiner rejected claims 8 and 19 under 35 USC § 103(a) as being unpatentable over Kim and claim 10 under 35 USC § 103(a) as being unpatentable over Kim in view of Elam (USPN 5,557,338). As noted above, Kim fails disclose, teach or suggest:

permanently storing one or more preset content-based specification sets within the consumer electronics device, each of the one or more preset specification sets comprising a rating and a subject matter category;

as claimed in claim 1 or

one or more preset content-based specification sets, each of the one or more preset content-based specification sets comprising a rating and a subject matter category; and

as claimed in claim 13. Applicant further submits that such limitations would not be obvious to one having ordinary skill in the art at the time the invention was made in light

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of Kim. Accordingly, a prima facie case of obviousness can not be made using Kim, nor Collings for the same reasons stated above. Applicants submit that claims 8, 10, and 19 meet the requirements for patentability under 35 U.S.C. § 103 as a result.

Newly Added Claims 29-42

Applicant submits that neither Kim, Collings or Elam taking separately or in combination disclose, teach or suggest a method including the steps of:

accessing a menu system stored in permanent memory within the consumer electronic device, the menu system including a menu comprising a first selection for accessing a preset criteria menu and a second selection for accessing a custom criteria menu, wherein the preset criteria menu includes one or more selections corresponding to preset content-based specification sets stored in permanent memory, each of the preset specification sets comprising a rating and a subject matter category, and wherein the custom criteria menu includes a plurality of selections corresponding to ratings and subject matter categories individually stored in permanent memory;

selecting the first selection and accessing the preset criteria menu;

selecting a first preset criteria; and

storing the first preset criteria in memory as a current content-based specification

as claimed in claim 29. Accordingly, Applicants submit that claims 29-42 meet the requirements for patentability under 35 U.S.C. §§ 102 and 103 as a result.

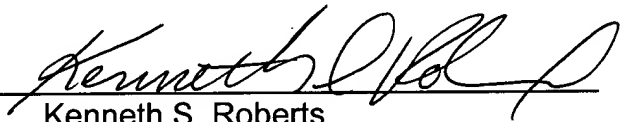
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Conclusion

Applicants respectfully submit that the Examiner's rejections in the Office Action mailed December 17, 2002 have been overcome. Applicants respectfully request that the Examiner allow the application with the presently pending claims 1-42. The Examiner is invited to telephone the undersigned representative at (949) 567-6700 ext. 7760, if the Examiner believes that a telephonic interview would advance this case to allowance.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: April 21, 2003

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